



**Service of Process
Transmittal**

07/02/2019

CT Log Number 535793957

TO: Sirena Barlow
YRC Worldwide Inc.
10990 Roe Ave
Overland Park, KS 66211-1213

RE: Process Served in Delaware

FOR: New Penn Motor Express LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: MICHAEL DEWAYNE WILLIAMS, PLTF. vs. DOUGLAS R. EDWARDS, JR., and NEW PENN MOTOR EXPRESS, LLC, DFTS.

DOCUMENT(S) SERVED: INTERROGATORIES, NOTICE, COMPLAINT, SUMMONS

COURT/AGENCY: BERKELEY COUNTY CIRCUIT COURT, WV
Case # CC022019C235

NATURE OF ACTION: Personal Injury - Vehicle Collision - 07/12/2017

ON WHOM PROCESS WAS SERVED: The Corporation Trust Company, Wilmington, DE

DATE AND HOUR OF SERVICE: By Certified Mail on 07/02/2019 postmarked on 06/27/2019

JURISDICTION SERVED : Delaware

APPEARANCE OR ANSWER DUE: WITHIN 30 DAYS AFTER THIS SUMMONS

ATTORNEY(S) / SENDER(S): Lawrence M. Schultz
BURKE, SCHULTZ, HARMAN & JENKINSON
P. O. Box 1938
Martinsburg, WV 25402
304-263-0900

REMARKS: The documents received have been modified to reflect the name of the entity being served.

ACTION ITEMS: CT has retained the current log, Retain Date: 07/03/2019, Expected Purge Date: 07/08/2019

Image SOP

Email Notification, Paula Day paula.day@yrcw.com

Email Notification, Danna Cannon danna.cannon@yrcw.com

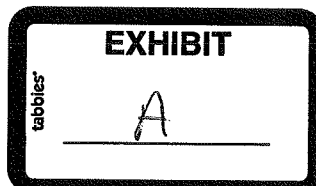
Email Notification, Patrice Brown patrice.brown@yrcw.com

Email Notification, Joseph Pec joseph.pec@yrcw.com

Email Notification, Sirena Barlow sirena.barlow@yrcw.com

Email Notification, Nancy Allison nancy.allison@yrcw.com

Page 1 of 2 / JN



Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



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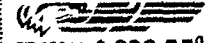
SIGNED: The Corporation Trust Company
ADDRESS: 1209 N Orange St
Wilmington, DE 19801-1120
TELEPHONE: 302-658-7581

655

CERTIFIED MAIL



U.S. POSTAGE PITNEY BOWES



ZIP 25311 \$006.55⁰
02 4H
0000336774 JUN 27 2019

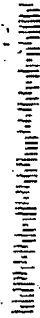
Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E
Charleston, WV 25305

USPS CERTIFIED MAILTM



9214 8901 1251 3410 0002 5421 67

NEW PENN MOTOR EXPRESS, LLC
THE CORPORATION TRUST COMPANY
1209 ORANGE STREET
WILMINGTON, DE 19801

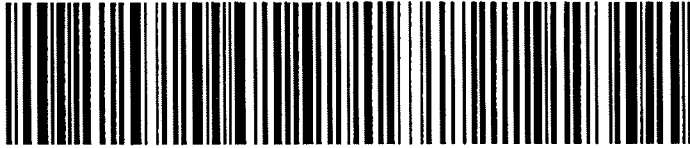


Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

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9214 8901 1251 3410 0002 5421 67

NEW PENN MOTOR EXPRESS, LLC
THE CORPORATION TRUST COMPANY
1209 ORANGE STREET
WILMINGTON, DE 19801

Control Number: 241130

Defendant: NEW PENN MOTOR EXPRESS, LLC
1209 ORANGE STREET
WILMINGTON, DE 19801 US

Agent: THE CORPORATION TRUST
COMPANY

County: Berkeley

Civil Action: 19-C-235

Certified Number: 92148901125134100002542167

Service Date: 6/26/2019

I am enclosing:

1 interrogatories, 1 request for production, 1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

A handwritten signature in cursive script that reads "Mac Warner".

Mac Warner
Secretary of State

SUMMONS

SERVE

E-FILED | 6/21/2019 3:37 PM
CC-02-2019-C-235
Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT OF BERKELEY WEST VIRGINIA

Michael Williams v. Douglas Edwards

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: New Penn Motor Express, LLC; c/o The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Lawrence Schultz, PO Box 1938, Martinsburg, WV 25402

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

6/21/2019 3:37:51 PM

Date

/s/ Virginia Sine

Clerk

*By Belinda Parsons
Deputy Clerk*

6/24/19

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

☐ Not Found in Bailiwick

Date

Server's Signature

ACCEPTED FOR
SERVICE OF PROCESS
2019 JUN 26 P 2:41
SECRETARY OF STATE
STATE OF WEST VIRGINIA



West Virginia E-Filing Notice

CC-02-2019-C-235

Judge: Bridget Cohee

To: New Penn Motor Express, LLC
c/o The Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Michael Williams v. Douglas Edwards

CC-02-2019-C-235

The following complaint was FILED on 6/21/2019 3:37:51 PM

Notice Date: 6/21/2019 3:37:51 PM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtswwv.gov

COVER SHEET

E-FILED | 6/21/2019 3:37 PM
 CC-02-2019-C-235
 Berkeley County Circuit Clerk
 Virginia Sine

GENERAL INFORMATION

IN THE CIRCUIT COURT OF BERKELEY COUNTY WEST VIRGINIA

Michael Williams v. Douglas Edwards

First Plaintiff: ☐ Business ☒ Individual **First Defendant:** ☐ Business ☒ Individual
☐ Government ☐ Other ☐ Government ☐ Other

Judge: Bridget Cohee**COMPLAINT INFORMATION****Case Type:** Civil**Complaint Type:** Tort

Origin: ☒ Initial Filing ☐ Appeal from Municipal Court ☐ Appeal from Magistrate Court

Jury Trial Requested: ☒ Yes ☐ No **Case will be ready for trial by:** 5/18/2020

Mediation Requested: ☐ Yes ☒ No

Substantial Hardship Requested: ☐ Yes ☒ No

☐ Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- ☐ Wheelchair accessible hearing room and other facilities
☐ Interpreter or other auxiliary aid for the hearing impaired
☐ Reader or other auxiliary aid for the visually impaired
☐ Spokesperson or other auxiliary aid for the speech impaired
☐ Other: _____

☐ I am proceeding without an attorney

☒ I have an attorney: Lawrence Schultz, PO Box 1938, Martinsburg, WV 25402

SERVED PARTIES

Name: Douglas R. Edwards Jr.

Address: 42 Timber Road, Mechanicsburg PA 17050

Days to Answer: 30 **Type of Service:** Secretary of State - Certified - Including Copy Fee

Name: New Penn Motor Express, LLC

Address: c/o The Corporation Trust Company 1209 Orange Street, Wilmington DE 19801

Days to Answer: 30 **Type of Service:** Secretary of State - Certified - Including Copy Fee

E-FILED | 6/21/2019 3:37 PM
CC-02-2019-C-235
Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

MICHAEL DEWAYNE WILLIAMS,

Plaintiff(s),

v.

CIVIL ACTION NO.: 19-C-_____
JUDGE _____

DOUGLAS R. EDWARDS, JR., and
NEW PENN MOTOR EXPRESS, LLC,

Defendant(s).

COMPLAINT

NOTICE: THERE IS DISCOVERY ATTACHED TO THIS COMPLAINT. IT MUST BE ANSWERED/RESPONDED TO WITHIN FORTY-FIVE (45) DAYS.

COMES NOW, Plaintiff, Michael DeWayne Williams (hereinafter "Plaintiff"), by counsel Lawrence M. Schultz, Esquire, of BURKE, SCHULTZ, HARMAN & JENKINSON, and in support of his Complaint against Defendants Douglas R. Edwards, Jr., (hereinafter "Defendant Edwards") and New Penn Motor Express, LLC (hereinafter "Defendant New Penn"), states the following:

1. Plaintiff is a resident of Austell, Georgia.
2. Defendant Edwards is a resident of Mechanicsburg, Pennsylvania.
3. Defendant New Penn is a foreign corporation licensed to do business in the State of Delaware, and which caused injury to the Plaintiff in Martinsburg, Berkeley County, West Virginia.
4. Jurisdiction is proper under West Virginia Law.
5. Venue is appropriate under the West Virginia Code as the accident occurred in Berkeley County, West Virginia.
6. On or about July 12, 2017, Plaintiff was driving his 2016 Freightliner Cascadia and was parked in the parking lot at Quad Graphics, Martinsburg, West Virginia.
7. At the same time and place, Defendant Edwards was driving a Volvo tractor/trailer, believed to be owned by Defendant New Penn, backing up in the Quad Graphics parking lot.

8. Defendant failed to keep a proper lookout while backing and collided with Plaintiff's vehicle, causing extensive damage.

9. The accident was directly and proximately caused by the negligence of Defendant Edwards in that he:

- a. failed to keep a proper lookout;
- b. failed to maintain control of his vehicle;
- c. failed to ascertain that his path was clear; and,
- d. was otherwise negligent.

10. As a direct and proximate cause of the aforesaid negligence of the Defendant Edwards, Plaintiff was caused to be injured in and about his body and has or will incur medical expenses for the injuries that he sustained in an amount in excess of \$44,000.00.

11. As a direct and proximate cause of the aforesaid negligence of the Defendant Edwards, Plaintiff has suffered and will suffer great physical pain, temporary and permanent disability and impairment of the ability to enjoy life, as well as emotional distress and mental anguish.

12. As a direct and proximate cause of the aforesaid negligence of the Defendant, Plaintiff suffered lost wages. Plaintiff was employed by C L Services Transport, LLC, in St. Augustine, Florida. Plaintiff's lost wages totaled in excess of \$103,000.00.

13. As a direct and proximate cause of the aforesaid negligence of the Defendant, Plaintiff's vehicle was damaged in excess of \$7,500.00.

14. Defendant New Penn, the owner of the vehicle driven by Defendant Edwards, had a duty to Plaintiff to ensure that persons driving its vehicles, such as Defendant Edwards, were safe and responsible drivers.

15. Defendant New Penn breached their duty to Plaintiff by letting Defendant Edwards, an unsafe and irresponsible driver, operate its vehicle.

16 Defendant New Penn is vicariously liable and otherwise legally responsible for all injuries and damages which were proximately caused by the negligence of its employee or agent, Defendant Edwards.

WHEREFORE, for the foregoing reasons, Plaintiff demands the following relief:

- a. judgment against the Defendants, jointly and severally, in an amount to be determined by a jury, plus pre-and post-judgment interest according to law, attorney's fees, and costs of litigation; and,
- b. such other and further relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY

MICHAEL DEWAYNE WILLIAMS

By Counsel

/s/ Lawrence M. Schultz

Lawrence M. Schultz, Esquire
BURKE, SCHULTZ, HARMAN & JENKINSON
WV State Bar No. 4293
P. O. Box 1938
Martinsburg, WV 25402
(304) 263-0900
(304) 263-0469 (fax)

E-FILED | 6/21/2019 3:37 PM
CC-02-2019-C-235
Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

MICHAEL DEWAYNE WILLIAMS,

Plaintiff(s),

v.

CIVIL ACTION NO.: 19-C-_____
JUDGE _____

DOUGLAS R. EDWARDS, JR., and
NEW PENN MOTOR EXPRESS, LLC,

Defendant(s).

**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT DOUGLAS R. EDWARDS, JR.**

COMES NOW Plaintiff, Michael DeWayne Williams, by counsel, Lawrence M. Schultz, Esquire, of BURKE, SCHULTZ, HARMAN & JENKINSON, and pursuant to Rules 33 and 34 of the West Virginia Rules of Civil Procedure, submits the following Interrogatories and Requests for Production of Documents to Defendant, Douglas R. Edwards, Jr., to be responded to within forty-five (45) days of the date of service of these requests.

INTERROGATORIES

INTERROGATORY NO. 1: State your full name, place of residence, mailing address, date of birth, and drivers license number, and identify any person who assisted you in the preparation of your answers/responses to these discovery requests.

ANSWER:

INTERROGATORY NO 2: Identify all persons who you believe may have knowledge or information relating to any of the facts, allegations, claims, damages, prayers for relief or defenses asserted in the Complaint or Answer. For each such person, identify every fact, allegation, claim, count, assertion, response or defense for which you believe that person may have knowledge; describe the substance of such knowledge; and describe how you believe that person acquired such knowledge.

ANSWER:

INTERROGATORY NO. 3: Identify all oral or written communications you have had with any person that refers or relates to the subject matter of this action. With respect to each such communication, provide the following information.

- a. State the date of the communication;
- b. Describe the nature of the communication;
- c. Identify the person involved in the communication;
- d. Identify any witnesses to the communication;
- e. Describe the substance of the information communicated, providing exact quotations of what was communicated whenever possible; and,
- f. Identify any documents that refer or relate to the communication.

ANSWER:

INTERROGATORY NO. 4: Identify each person you expect to call as a witness at trial. For each such person, describe in detail the content of the witness' expected testimony, the basis upon which the witness is expected to testify, and the relation of the witness to any party and to the subject matter of this action.

ANSWER:

INTERROGATORY NO. 5: Identify each person who you expect to call as an expert witness at trial, and state the subject matter on which the expert is expected to testify, state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and identify all documents referred to or relied upon by the expert in formulating such opinions. Identify the form and amount of any compensation paid to the expert for his or her participation in this matter. Identify

all cases or other proceedings in which the expert has participated as an expert witness for the five (5) years preceding the service of these discovery requests.

ANSWER:

INTERROGATORY NO. 6: Identify all exhibits you intend to introduce as evidence at trial in this matter, or may use in support of any dispositive or other motion.

ANSWER:

INTERROGATORY NO. 7: What is your version of how this accident happened? Identify all sources of information contributing to the narrative answer.

ANSWER:

INTERROGATORY NO. 8: Do you, your attorney, your insurance carrier, or anyone acting on your or their behalf, have or know of any photographs, motion pictures, maps, drawings, diagrams, measurements, surveys, or other descriptions concerning the events and happenings alleged in the Complaint, the scene of the accident, or the areas or persons or vehicles involved made either before, after, or at the time of the event in question, and if so, as to each such item, state:

- a. its nature;
- b. its specific subject matter;
- c. the date it was made or taken;
- d. the name and last known address of the person making or taking it;
- e. what each such item purports to show or illustrate or represent; and
- f. the name and address of the person having custody of such item.

ANSWER:

INTERROGATORY NO. 9: With regard to the policies of liability insurance, including automobile liability, homeowner's insurance, personal liability, excess liability, and any other form of liability insurance, insuring Defendants under policies issued to you which were in effect on the date of the incident which gives rise to this litigation, please state:

- a. the name of the insurance company;
- b. the name of the insurance agent;
- c. the policy number of each policy of insurance;
- d. the monetary limit for each coverage available under each policy of insurance; and,
- e. the dates between which each policy of insurance was in effect.

ANSWER:

INTERROGATORY NO. 10: Have you ever been involved in any automobile collisions other than the collision that is the subject of this matter?

ANSWER:

INTERROGATORY NO. 11: Have you ever been issued any citations or charged with any violations while operating a motor vehicle? If so, state:

- a. The violation/charge;
- b. Date of issuance;
- c. Issuing Agency; and,
- d. The disposition of the violation/charge.

ANSWER:

INTERROGATORY NO. 12: Has your driving privilege ever been revoked or suspended? If so, please

state:

- a. The date of revocation/suspension;
- b. The reason for revocation/suspension;
- c. The state of revocation/suspension; and,
- d. The current status of the revocation/suspension.

ANSWER:

INTERROGATORY NO. 13: Within the twenty-four (24) hour period preceding the collision that is the subject of this matter, please list in detail any medications, over the counter or prescription, alcohol, and/or drugs, legal or illegal, that you consumed.

ANSWER:

INTERROGATORY NO. 14: Please provide a detailed list of your activities for the twenty-four (24) hour period preceding the collision that is the subject of this matter. Please include the following:

- a. Activity and location;
- b. When you arrived and when you departed; and,
- c. Any witnesses.

ANSWER:

INTERROGATORY NO. 15: Have you ever, or do you now have, any restrictions pertaining to your operation of a motor vehicle? If so, please state:

- a. The restriction;
- b. The State in which the restriction was incurred;
- c. The date on which the restriction was established; and,

- d. The current status of the restriction.

ANSWER:

INTERROGATORY NO. 16: Have you ever been arrested or convicted of a crime? If so, please state:

- a. The charge/conviction;
- b. The date of charge/conviction; and,
- c. Court where the charge/conviction was entered.

ANSWER:

INTERROGATORY NO. 17: State whether you have ever maintained an account on any social media website (including, but not limited to, Facebook, MySpace, Twitter, Pinterest, Flickr, YouTube, Live.com, Google plus, and LinkedIn), participated in, appeared on, been referenced on or communicated via an Internet or World Wide Web Weblog ("blog"), forum, chat room, on-line community, chat, instant message, direct message or peer-to-peer communication. If you answered "yes" describe each such instance in sufficient detail that Plaintiff may readily identify, locate and obtain copies of such.

ANSWER:

INTERROGATORY NO. 18: Please state whether you were using a cellular phone at the time of the accident. Please identify the cellular phone number and provider you had on the date of the accident.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Please produce a copy of your driver's license as identified in your answer to Interrogatory No. 1.

RESPONSE:

REQUEST NO. 2: Please produce copies of all communications related to your answer to Interrogatory No.

3.

RESPONSE:

REQUEST NO. 3: Please produce a current curriculum vitae for each expert identified in your answer to Interrogatory No. 5.

RESPONSE:

REQUEST NO. 4: Please produce copies of all exhibits you intend to introduce as evidence at the trial of this matter identified in your answer to Interrogatory No. 6.

RESPONSE:

REQUEST NO. 5: Please produce copies of any and all photographs, motion pictures, maps, drawings, diagrams, measurements, and/or surveys identified in your answer to Interrogatory No. 8.

RESPONSE:

REQUEST NO. 6: Please provide copies of any and all insurance policies identified in your response to Interrogatory No. 9, including the declarations page(s).

RESPONSE:

REQUEST NO. 7: Please provide a copy of any and all postings regarding the subject accident on any social media website (including, but not limited to, Facebook, MySpace, Twitter, Pinterest, Flickr, YouTube, Live.com, Google plus, and LinkedIn), referenced on or communicated via an Internet or World Wide Web Weblog ("blog"), forum, chat room, on-line community, chat, instant message, direct message or peer-to-

peer communication identified in your Answer to Interrogatory No. 17.

RESPONSE:

REQUEST NO. 8: Please produce full and complete copies of your cellular phone records and text message records for thirty (30) minutes before and after the accident identified in your Answer to Interrogatory No. 18.

RESPONSE:

REQUEST NO. 9: Please produce a certified copy of the State Driving Record for the driver's license identified in your response to Interrogatory No. 1.

RESPONSE:

REQUEST NO. 10: Please provide copies of any logs or other records maintained by you or by New Penn Motor Express, Inc., for the forty-eight (48) hours preceding the accident and the forty-eight (48) hours after the subject accident.

RESPONSE:

MICHAEL DEWAYNE WILLIAMS

By Counsel

/s/ Lawrence M. Schultz

Lawrence M. Schultz, Esquire
BURKE, SCHULTZ, HARMAN & JENKINSON
WV State Bar No. 4293
P. O. Box 1938
Martinsburg, WV 25402
(304) 263-0900
(304) 263-0469 (fax)